

REMARKS

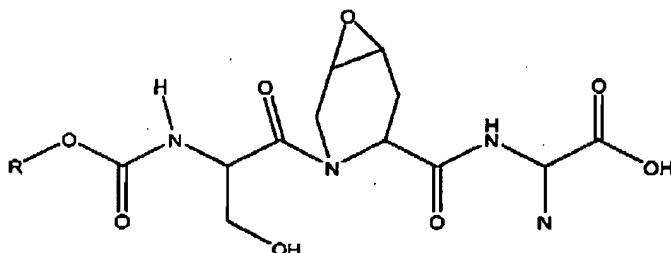
Claims 1-25, 27 and 31-36, along with any rejoined portions of claims 28-30, are pending in the case. The Examiner states that claims 28 and 30 are withdrawn from consideration; however, on page 6 of the Office Action, it is stated: "Additionally, in order to retain the right to rejoinder in accordance with the [above] policy, Applicant is advised that the process claims should be amended during prosecution either to maintain dependency on the product claims or to otherwise include the limitations of the product claims." Claims 28 and 30 depend on the amended product claim 1 and thus, Applicant believes that they will be rejoined with the claims under prosecution. Thus, this Response/Amendment includes claims 28 and 30.

In the present Office Action, the Examiner rejected claims 1-2, 31 and 32. Claims 3-25, 27, and 33-36 were objected to as being dependent on rejected claims.

Claims 31-32 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to spell out "Hepatitis C Virus". Applicant has corrected that infraction in this amendment. Withdrawal of the § 112, second paragraph rejection is, therefore, respectfully requested.

Claims 1-2 were rejected under 35 U.S.C. § 102(b) as being anticipated by Brunk et al WO 00/05245. It is stated that a compound (shown in the Office Action on Page 3) disclosed by Brunk on page 3, line 12- page 43, line 7 and in Claim 1) is arrived at if one substitutes in Applicant's Formula I the following limitations: J is (CH₂), G is (CH₂), L is CH, E is CH, Q and M are absent and A is directly linked to L, A is O, R¹ may be COR⁵ and R⁵ may be OH, R² is amino, R³ is a C₁-C₁₀ alkyl (optionally substituted with a hydroxy), Z is n, R⁴ is H, W is C(=O) and Y is an alkoxy. In this regard, Applicant would like to respectfully point out the following significant distinctions between the present case and Brunk:

- (i) On Page 8 of the instant specification and in Claim 1 (page 366), Applicant clearly states that "when Q is absent, M is also absent, and A is directly linked to X;" (emphasis added). Thus, when Q and M are absent, A is not linked to L as the Office Action states.
- (ii) When the above-noted substitutions in the Office Action are made to the present compound of Formula I, the following structure results:



As is noticeable, this structure is quite different from what is disclosed by Brunk and in the Office Action on Page 3. It is, therefore, respectfully submitted that present claims 1 and 2 are not anticipated by Brunk et al. Withdrawal of the § 102 (b) rejection is, therefore, respectfully requested.

There being no other rejections pending, Applicant believes that claims 1-25, 27 and 31-36, along with any rejoined portions of claims 28-30, as amended are in allowable condition. Such an action is earnestly requested. If the Examiner has any questions, the Examiner is invited to contact the undersigned.

Respectfully submitted,

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